

MGM *McCullough Ginsberg Montano & Partners*

A Limited Liability Partnership
Formed in the State of New York

Partners

Ted McCullough, Esq. *
Simon Ginsberg, Esq. *
James S. Montano, Esq. **
C. Dino Haloulos, Esq. *
* Admitted in NY
* Admitted in NJ
* Admitted in PA

MEMO ENDORSED

Of Counsel

Jason Liam Schmolze, Esq. †
Damon Kamvosoulis, Esq. **
Michele J. Mittleman, Esq. *

Associates

Kara Halpern, Esq. *
Robert B. Lower, Esq. *
Patrick Lynott, Esq. *†

Robert B. Lower

Direct: (646) 747-6895
rlower@mgpllp.com

December 14, 2018

VIA ECF

Hon. Paul E. Davison
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Courtroom 420
White Plains, NY 10601

Re: *William Gunnar Truitt v. Salisbury Bank and Trust Company, et al.*
Index No. 7:18-cv-08386-NSR-PED

Dear Judge Davison:

We represent Plaintiff William Truitt in the above-captioned matter and write to avoid any waiver of Mr. Truitt's rights pursuant to today's discovery Order from Your Honor (ECF No. 24).

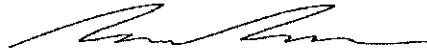
During yesterday's Initial Conference with Judge Román, we agreed to put a months-long dispute regarding Defendants' refusal to produce text messages on hold in view of Defendants' November 13, 2018 contention that they had taken steps to preserve the text messages and our plan to serve formal requests for production of those text messages shortly.

In view of the foregoing, we respectfully ask to be notified if we will be unable to raise this discovery issue with the Court after more than 5 business days, in the event that our efforts to obtain those text messages without judicial intervention are unsuccessful.

OK,
no problem.

SO COMPLETED
Hon. Paul E. Davison
United States Magistrate Judge
12/14/18

Sincerely,



Robert B. Lower
Counsel for Plaintiff
MCCULLOUGH GINSBERG
MONTANO & PARTNERS LLP
122 East 42nd Street, Suite 3505
New York, New York 10168
Phone: (646) 747-6895
rlower@mgpllp.com

cc: Lindsay M. Sorin and Amber M. Spataro (counsel for Defendants)
Ted McCullough and Jim Coughlan (counsel for Mr. Truitt)